

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KATRINA O'CONNOR,

Plaintiff,

V.

REALPAGE INC.,

Defendant.

))))))))))

Case No. 2021-CH-05955

DEFENDANT REALPAGE'S NOTICE OF REMOVAL

In compliance with 28 U.S.C. § 1446(d), you are hereby notified that Defendant RealPage, Inc., by and through the undersigned counsel, Daniel R. Waltz, and the law firm of Troutman Pepper Hamilton Sanders LLP, and pursuant to 28 U.S.C. § 1332 filed a Notice of Removal of the above-captioned case to the United States District Court for the Northern District of Illinois. A true and correct copy of the Notice of Removal is attached as Exhibit A.

Dated: December 23, 2021

Respectfully submitted,

REALPAGE, INC.

By: /s/ Daniel R. Waltz
Daniel R. Waltz
Illinois Bar No. 6304232
Troutman Pepper Hamilton Sanders LLC
227 W. Monroe St. Ste. 3900
Chicago, IL 60606
Telephone: (312) 759-5948
Facsimile: (312) 759-1939
Email: daniel.waltz@troutman.com

Counsel for RealPage, Inc.

PROOF OF SERVICE

I hereby certify that on this 23rd day of December, 2021, I served a true and correct copy of the foregoing on all counsel of record by email and First-Class U.S. Mail:

Steven Uhrich
Uhrich Law P.C.
3317 West Fullerton
Chicago, Illinois 60602
T: (773) 969-6337
F: (773) 496-6968
steven@uhrichlawpc.com

Jordan M. Sartell
Francis Mailman Soumilas, P.C.
310 South County Farm Road, Suite H
Chicago, Illinois 60187
T: (215) 735-8600
F: (215) 940-8000
jsartell@consumerlawfirm.com

John Soumilas
Francis Mailman Soumilas, P.C.
1600 Market Street, Suite 2510
Philadelphia, PA 19103
T: (215) 735-8600
F: (215) 940-8000
jsoumilas@consumerlawfirm.com

By: /s/ Daniel R. Waltz
Daniel R. Waltz
Illinois Bar No. 6304232
Troutman Pepper Hamilton Sanders LLC
227 W. Monroe St. Ste. 3900
Chicago, IL 60606
Telephone: (312) 759-5948
Facsimile: (312) 759-1939
Email: daniel.waltz@troutman.com

Counsel for RealPage, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KATRINA O'CONNOR,

Plaintiff,

V.

REALPAGE INC.,

Defendant.

)
)
)
)
)
)
)
)
)

Case No. 2021-CH-05955

NOTICE OF REMOVAL

TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS AND TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant RealPage, Inc. (“RealPage”), by counsel, removes this action from the Circuit Court of Cook County, Illinois to the United States District Court, Northern District of Illinois, Eastern Division. Removal is proper because this Court has subject matter jurisdiction by way of federal question jurisdiction pursuant to 28 U.S.C. § 1331. In support of its Notice of Removal, RealPage states the following:

I. Background

1. On or about November 24, 2021, Plaintiff Katrina O'Connor (“Plaintiff”), on behalf of herself and all others similarly situated, filed the Complaint in this action in the Circuit Court of Cook County, Illinois. A copy of all process, pleadings, and orders served upon RealPage in this action are attached as **Exhibit A**, which includes a Motion for Class Certification.

2. RealPage was served with the Complaint on December 2, 2021. Accordingly, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b).

II. Federal Question Jurisdiction

3. RealPage denies the allegations in the Complaint, denies that Plaintiff has stated a claim for which relief may be granted, and denies that Plaintiff has been damaged. Nevertheless, assuming for jurisdictional purposes only that Plaintiff's claims are valid, she could have originally filed the Complaint in this Court under federal question jurisdiction. Plaintiff's claim under the Fair Credit Reporting Act, 15 U.S.C. §§ 1681-1681x ("FCRA") arises under the laws of the United States.

4. Specifically, in the Complaint, Plaintiff alleges one count against RealPage. In this count, Plaintiff claims that RealPage violated § 1681e(b) of the FCRA by allegedly failing to follow reasonable procedures to assure maximum possible accuracy of certain consumer reports. Compl. ¶ 56.

5. Under 28 U.S.C. § 1331, federal courts have original jurisdiction of all cases that arise under federal law, and such cases are explicitly within this Court's federal question jurisdiction. The FCRA is a federal statute that arises under federal law. The FCRA also specifically vests district courts with jurisdiction over any "action to enforce any liability created under [the FCRA]." 15 U.S.C. § 1681p. Therefore, this Court has federal question jurisdiction over this action because Plaintiff's claim arises under the FCRA. This case is removeable to this Court under 28 U.S.C. § 1331. *See Foster v. PNC Bank, N.A.*, No. 12cv3130, 2020 U.S. Dist. LEXIS 52155, at *3 n.2 (N.D. Ill. Mar. 25, 2020) (holding that the Court exercises federal question jurisdiction over FCRA claims).

III. Removal to this Court

5. Removal to this Court is appropriate pursuant to 28 U.S.C. § 1441 because this district and division embrace the Circuit Court of Cook County, Illinois, which is the forum from which this case has been removed. *See* 28 U.S.C. § 1441(a).

IV. Notice

6. Concurrent with filing this Notice of Removal, RealPage will file a Notice of Filing of Notice of Removal with the Clerk of the Circuit Court of Cook County, Illinois. A copy of the Notice of Filing of Notice of Removal, excluding exhibits, is attached as **Exhibit B**. This Notice of Filing of Notice of Removal will give written notice of the removal to all adverse parties. *See* 28 U.S.C. § 1446(d).

7. RealPage is the only defendant in this case. Thus, all defendants have joined in removing this case.

V. Reservation of Rights

8. RealPage denies the allegations contained in Plaintiff's Complaint and files this Notice of Removal without removing any defenses, objections, exceptions, or obligations that may exist in its favor in either state or federal court.

9. Further, RealPage does not concede in any way that the allegations in the Complaint are accurate, that Plaintiff has asserted claims upon which relief can be granted, or that recovery of any of the amounts sought is authorized or appropriate.

10. If any questions arise as to the propriety of the removal of this action, RealPage requests the opportunity to present a brief and argument in support of its position that this case is removable.

WHEREFORE, RealPage, Inc. hereby removes this action to this Court and seeks all other relief this Court deems equitable and just.

Dated: December 23, 2021

Respectfully submitted,

REALPAGE, INC.

By: /s/ Daniel R. Waltz
Daniel R. Waltz
Illinois Bar No. 6304232
Troutman Pepper Hamilton Sanders LLC
227 W. Monroe St. Ste. 3900
Chicago, IL 60606
Telephone: (312) 759-5948
Facsimile: (312) 759-1939
Email: daniel.waltz@troutman.com

Counsel for RealPage, Inc.